

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

UNITED STATES

v.

DARNELL BURGESS

22-MJ-1047

Docket Number

SUBMITTED BY: Plaintiff ___ Defendant ___ DOJ ☒

Name: Adam Amir

Firm Name: USAO-EDNY

Address:

271A Cadman Plaza East, Brooklyn, NY 11201

Phone Number: 718-254-6116

E-Mail Address: adam.amir@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES ___ NO ☒

If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) ___ A copy of this application either has been or will be promptly served upon all parties to this action, B.) ___ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: ___; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

9/27/2022

DATE

Adam Amir

SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation _____

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.**

DATED:

BROOKLYN, NEW YORK

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____

DATE

DMP:AA
F. #2022R00378

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

DARNELL BURGESS,

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. §§ 844(d) & 844(e))

Case No. 22-MJ-1047

----- X

EASTERN DISTRICT OF NEW YORK, SS:

CHRISTOPHER TROISI, being duly sworn, deposes and states that he is a Detective with the New York City Police Department and a Task Force Officer with the Joint Terrorism Task Force, duly appointed according to law and acting as such.

On or about and between March 26, 2022 and August 2, 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DARNELL BURGESS knowingly transported and received, and attempted to transport and receive, in interstate and foreign commerce, an explosive, to wit: gunpowder, with the knowledge and intent that it would be used to kill, injure, and intimidate any individual and unlawfully to damage and destroy a building and other real and personal property.

(Title 18, United States Code, Section 844(d))

On or about and between March 26, 2022 and August 2, 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DARNELL BURGESS through the use of the internet, an instrument of interstate and foreign commerce, knowingly and willfully made a threat to kill, injure and intimidate one or more individual, to wit: Jane Doe 1, Jane Doe 2 and Jane Doe 3, individuals whose identities are known to the deponent, and unlawfully to damage and destroy a building and other real and personal property, by means of an explosive, to wit: a bomb.

(Title 18, United States Code, Section 844(e))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Detective with the New York City Police Department assigned to the FBI New York Joint Terrorism Task Force ("JTTF"). In my duties as a Detective, I have gained training and experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, the exploitation of lawfully obtained evidence and data, and various other procedures. As a Detective assigned to the JTTF, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

2. On or about April 8, 2022, law enforcement was contacted by staff at Atlantic House Men's Shelter, which is located at 2402 Atlantic Avenue in Brooklyn, New York ("Atlantic House"). The staff observed several suspicious packages arrive at the facility that

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

were addressed to “Darnell” and intended for the defendant DARNELL BURGESS. These packages contained a carbon dioxide tank, charcoal, potassium nitrate and wires. BURGESS attempted to retrieve the packages, but the staff refused to give them to BURGESS. Atlantic House staff also informed law enforcement that, in prior weeks, BURGESS had entered the shelter with a gas canister filled with gasoline and was in possession of five-inch-thick ballistic bullet proof armor plates.

3. Subsequent investigation revealed that the defendant DARNELL BURGESS placed orders via Amazon, using an account registered with a Google email address with the username “darnellburgess9” and a telephone number subscribed to in the name “Darnell Robert Burgess,” for the following:

a. On or about between about March 26, 2022 and April 1, 2022, BURGESS placed an order on Amazon.com for five pounds of ground yellow sulfur powder, one pound of potassium nitrate, a 20-ounce tank of carbon dioxide, two pounds of charcoal powder, 100 feet of copper wires, and a wireless remote-control switch, according to records obtained from Amazon. These orders were subsequently cancelled.

b. On about and between April 1, 2022 and April 6, 2022, the defendant DARNELL BURGESS, using the same Amazon account, again ordered five pounds of yellow sulfur powder, one pound of potassium nitrate, a 20-ounce tank of carbon dioxide, two pounds of charcoal powder and 100 feet of copper wires. These packages were delivered to Atlantic House. The packages and their contents are pictured below.



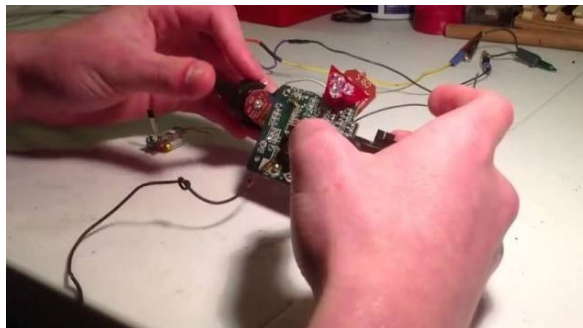
4. I have spoken with an FBI explosives expert, and the expert has informed me that these materials can be used to create an explosive. Specifically, gunpowder is made with potassium nitrate, charcoal, and sulfur, and wires and a remote-control switch can allow for remote detonation of an explosive.

5. A judicially authorized search of the defendant DARNELL BURGESS's phone revealed records relating to bombmaking and acts of violence, including:

a. In or about November 2021, BURGESS obtained a copy of the NYPD's Active Shooter Manual.

b. An undated photograph saved on BURGESS' phone shows a diagram for assembling guns.

c. Between approximately March 2022 and April 2022, BURGESS downloaded (a) the Anarchist's Cookbook, which includes bombmaking instructions, (b) an image of a school shooting perpetrator, (c) news reports of shootings and suicide bombings, (d) diagrams and images on how to build explosives using potassium nitrate, charcoal and sulfur, (e) instructions on how to build a detonator, and (f) an image appearing to promote the shooting of police officers with the caption "DESTROYING COPS," as pictured below.



6. The search of the defendant DARNELL BURGESS's phone also revealed web searches relating to bombmaking, firearms and acts of violence, including:

a. In or about January 2022, BURGESS searched for "attempted murder nys charge," "public execution," "what do they use to make a gun barrel" and "major components of a firearm."

b. In or about February 2022, BURGESS searched for "capital murder" "bullet proof cars" and "police killings ny."

c. In or about March 2022, BURGESS searched for "ted bundy," "thermobaric bomb vs nuclear" and "where can I buy potassium nitrate at in New York."

d. In or about April 2022, BURGESS searched for "sulfur."

7. The defendant DARNELL BURGESS threatened to bomb or kill individuals and damage property. On or about July 29, 2022, law enforcement received reports that BURGESS was threatening to kill certain individuals. Specifically, Jane Doe 1 and Jane Doe 2, both of whom personally know BURGESS, reported that they were threatened by BURGESS over Facebook messenger from an account with the display name "Burgess Darnell" (the "Facebook Account"), which Jane Doe 1 and Jane Doe 2 identified as belonging to BURGESS. The Facebook Account was registered with the same Google email address as the Amazon account set forth above.

8. After the initial report of threatening messages by Jane Doe 1 and Jane Doe 2, on or about July 30, 2022, the defendant DARNELL BURGESS made the following posts on the Facebook Account, which were provided to law enforcement by Jane Doe 1 and Jane Doe 2:

a. “I’m omw rn someone losing they house,” which I understand to mean that BURGESS is saying, “I’m on my way right now” and threatening to destroy someone’s home.

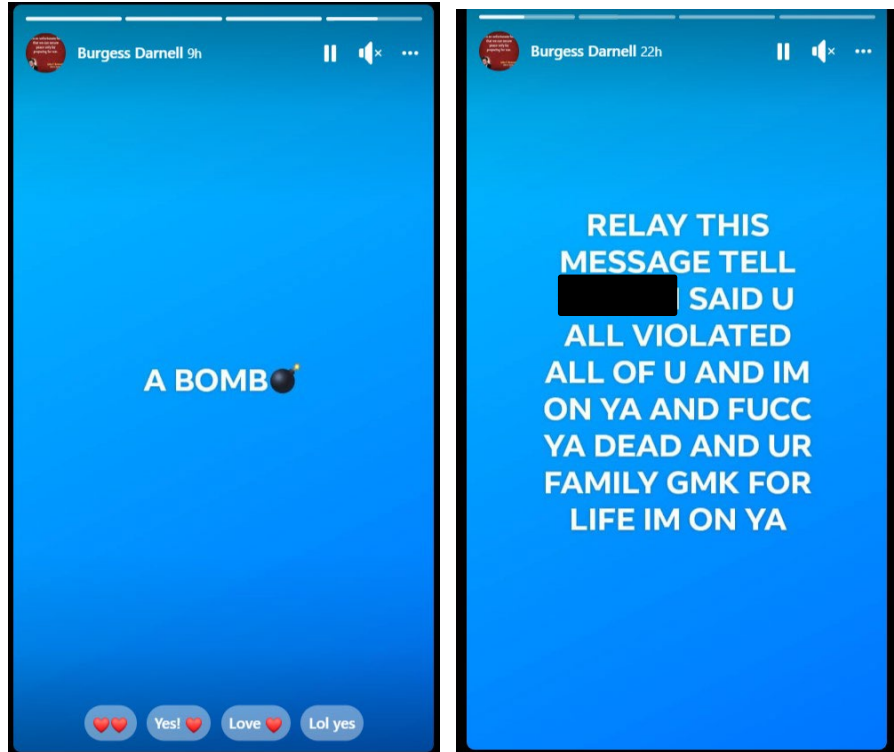
b. “RELAY THIS MESSAGE TELL [JANE DOE 1] I SAID U ALL VIOLATED ALL OF U AND IM ON YA AND FUCC YA DEAD AND UR FAMILY GMK FOR LIFE IM ON YA.” I understand “GMK” to mean that BURGESS is threatening to be the “Glenmore Killer.” Based on my training and experience and familiarity with the investigation, I understand BURGESS’ reference to “Glenmore” to mean the public housing complex Glenmore Plaza, which is located in Brooklyn, New York.

c. “IMMA MAKE YA KILL ME TO NYDPK.”

9. In addition, on or about July 30, 2022, the defendant DARNELL BURGESS posted the following threats on his Facebook Account, which were provided to law enforcement by Jane Doe 1 and Jane Doe 2:

a. “OMW [Jane Doe 1]”

b. “A BOMB 🚫”



10. On or about August 5, 2022, the Honorable Vera M. Scanlon, U.S. Magistrate Judge for the Eastern District of New York, authorized a warrant to search the Facebook Account belonging to the defendant DARNELL BURGESS. A review of the Facebook account revealed that BURGESS sent multiple threats to shoot or kill Jane Doe 1, Jane Doe 2, and Jane Doe 2’s relatives, including Jane Doe 2’s mother: Jane Doe 3. BURGESS also attempted to buy firearms through the Facebook Account.

11. On or about August 1, 2022, the defendant DARNELL BURGESS, using the Facebook Account, sent threatening messages to Jane Doe 1 and others, including:

- a. “[T]ell [Jane Doe 1] I’m going after hers”
- b. “Cuzz if I’m gonna kill ha IMA do it”
- c. “And she’s getting shot”

12. Also on or about August 1, 2022, the defendant DARNELL BURGESS, using the Facebook Account, sent threatening messages to Jane Doe 1 and others urging Jane

Doe 1 to “break up” with her boyfriend and threatening to bomb Glenmore: “IM BLOWING A BOMB IN GLENMORE.”

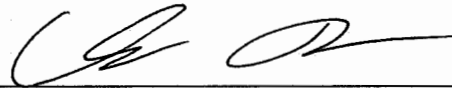
13. Further, on or about August 1, 2022, the defendant DARNELL BURGESS, using the Facebook Account, sent threatening messages to Jane Doe 2 and others, stating “They DIE” alongside photographs of Jane Doe 2’s sister and brother, as well as Jane Doe 2’s mother: Jane Doe 3.

14. On or about August 2, 2022, the defendant DARNELL BURGESS, using the Facebook Account, also sent a message to another individual seeking to purchase a firearm, stating, among other things:

- a. “Yo need a gun”
- b. “Need a gun”
- c. “Beef in NYC hot”
- d. “Like I might die hot”

WHEREFORE, your deponent respectfully requests an arrest warrant so that the defendant DARNELL BURGESS, may be dealt with according to law.

It is further requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant except that the undersigned will distribute copies of this charging document and any resulting arrest warrant to other law enforcement authorities as necessary to effectuate the defendant's arrest. Based on my training and experience, I have learned that criminals actively search for criminal affidavits and arrests warrants via the internet. Although I have reason to believe the defendant may be aware of the FBI's interest in his activities, I believe he is unaware of the full extent of the investigation into his violations of federal law. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant an opportunity to flee, destroy or tamper with evidence, or change patterns of behavior.



CHRISTOPHER TROISI
Detective
New York City Police Department

Sworn to before me by telephone this
___ day of September, 2022

THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

DARNELL BURGESS

Case No. 22-MJ-1047

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) DARNELL BURGESS,
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18, United States Code, Section 844(d) - attempting to transport and receive an explosive with intent to kill, injure, and intimidate any individual

Title 18, United States Code, Section 844(e) - threatening to kill, injure and intimidate one or more individuals by means of an explosive

Date: 09/28/2022*Issuing officer's signature*City and state: Brooklyn, New York

Hon. Ramon E. Reyes, Jr., USMJ

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____